

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

WACHOVIA COMMERCIAL MORTGAGE,
INC., doing business as
Wachovia Small Business
Capital, and formerly known as
The Money Store Commercial
Mortgage, Inc.,

Plaintiff,

vs.

SUN ENTERPRISES, INC., et al.,

Defendants.

Civ. No. 05-2257-Ma/P

ORDER DENYING WITHOUT PREJUDICE DEFENDANTS'
MOTION FOR LEAVE OF COURT TO BRING IN THIRD PARTY DEFENDANTS

Before the court is defendants' Motion for Leave of Court to Bring in Third Party Defendants, filed November 3, 2005. Local Rule 7.2 requires that

"[a]ll motions . . . shall be accompanied by a certificate of counsel . . . affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion." Local Rule 7.2(a)(1)(B). Failure to file a Rule 7.2 certificate "may be deemed good grounds for denying the motion." *Id.*

Therefore, defendants motion is DENIED, without prejudice.

Defendants may renew their motion by refiling it with a certificate of consultation in compliance with Local Rule 7.2.

IT IS SO ORDERED.



TU M. PHAM

United States Magistrate Judge

November 7, 2005

Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 16 in case 2:05-CV-02257 was distributed by fax, mail, or direct printing on November 14, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT